UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,798	10/30/2000	Timothy J. Smith	HAYSCHR.002A	8714

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CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/699,798	SMITH ET AL.
	Examiner	Art Unit	
	Joshua D Campbell	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 February 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18,20,21,23 and 31-40_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-18,20,21,23 and 31-40_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Request for continued examination

filed on 02/22/2005.

2.   Claims 1-18, 20-21, 23, and 31-40 are pending in this case. Claims 1, 9, 17, 21,

31, and 32 are independent claims. Claims 1, 9, 17, 21, 31, 32, 33, 34, and 38 have

been amended.

3.   The rejection of claim 38 under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention has been withdrawn due to amendments.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-16, and 31 remain rejected and 32-33, 35-36, and 38-40 are rejected

under 35 U.S.C. 102(e) as being anticipated by Gutfreund et al. (hereinafter Gutfreund,

US Patent Number 6,665,835, filed on December 23, 1997).

Regarding independent claim 1, Gutfreund discloses a method in which a multimedia file is received and slides or notes pertaining to the multimedia file are also received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). Gutfreund also discloses that the time markers are stored in a file external to the streaming media file, which associate the streaming media file with the static media file based on time markers (column 2, lines 37-51 of Gutfreund). Even after the creation of the output file (ASF file), the streaming media file (AVI) and the time log file remain stored separately (column 5, lines 20-55 of Gutfreund).

Regarding dependent claim 2, Gutfreund discloses that a user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 3, Gutfreund discloses that timestamps defined by a user input are based on the time as compared to the time the presentation was started to the amount of the presentation (in time) has been viewed (column 5, lines 20-55 and Figure 6 of Gutfreund).

Regarding dependent claim 4, Gutfreund discloses that timestamps defined by a user input are based on the time as compared to the time the presentation was

started to the amount of the presentation (in time) has been viewed (column 5, lines 20-
55 and Figure 6 of Gutfreund).

Regarding dependent claim 5, Gutfreund discloses that the final multimedia
presentation that is created is one file that has embedded timestamps that link to the
associated files that will be shown at that time and is viewed as a streaming output
(column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claims 6 and 8, Gutfreund discloses a method in which a
multimedia file (video file that contains audio) is received and slides or notes (pictures or
text) pertaining to the multimedia file are also received (column 2, line 37-column 3, line
3 of Gutfreund).

Regarding dependent claim 7, Gutfreund discloses that the final multimedia
presentation that is created is one file that has embedded timestamps that link to the
associated files that will be shown at that time and is viewed as a streaming output
(column 2, line 37-column 3, line 3 of Gutfreund).

Regarding independent claim 9 and dependent claims 10-16, the claims
incorporate substantially similar subject matter as claims 1-8. Thus the claims are
rejected along the same rationale as claims 1-8.

Regarding independent claim 31, Gutfreund discloses a method in which a
multimedia file is received and slides or notes pertaining to the multimedia file are also
received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this
multimedia file and adds a timestamp, which corresponds to a time when a static file
object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of

Gutfreund). Gutfreund also discloses that the time markers are stored in a file external

to the streaming media file, which associate the streaming media file with the static

media file based on time markers (column 2, lines 37-51 of Gutfreund). Even after the

creation of the output file (ASF file), the streaming media file (AVI) and the time log file

remain stored separately (column 5, lines 20-55 of Gutfreund). Gutfreund discloses a

method in which the program is carried out on a computer, which inherently consists of

a processor and memory coupled including a storage device, the memory allowing for

the storage of multiple data structures (database) (column 2, line 37-column 3, line 3 of

Gutfreund).

Regarding independent claim 32, Gutfreund discloses a method in which a

static media file and a streaming media file are received (column 2, line 37-column 3,

line 3 of Gutfreund). From these files a synchronization point is generated and stored

external to the streaming media file (column 2, line 37-column 3, line 3 of Gutfreund). A

content definition (time log file) file is created that associates the static media file with

the streaming media file through at least one synchronization point (column 2, lines 37-

51 and column 5, lines 20-55 of Gutfreund). The file is then used to present the

presentation (column 2, lines 37-57 and column 5, lines 20-55 of Gutfreund).

Regarding dependent claim 33, Gutfreund discloses a method in which the

synchronization points consist of time markers (column 2, line 37-column 3, line 3 of

Gutfreund).

Regarding dependent claims 35 and 36, Gutfreund discloses a method in

which the presentation can be stored on local medium or accessed through a network

server (column 3, lines 30-59 of Gutfreund).

Regarding dependent claim 38, Gutfreund discloses a method in which access

is provided to both the streaming media file and the static media file in the definition file,

which includes synchronization points to coordinate the two files (column 2, line 37-

column 3, line 3 of Gutfreund).

Regarding dependent claims 39 and 40, Gutfreund discloses a method in

which the streaming media file and the static media file can exist in a number of

different formats (column 1, lines 43-25 of Gutfreund).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 17-18, 20-21, and 23 remain rejected and 34 is rejected under 35 U.S.C.

103(a) as being unpatentable over Gutfreund et al. (hereinafter Gutfreund, US Patent

Number 6,665,835, filed on December 23, 1997) in view of Srinivasan et al. (hereinafter

Srinivasan, US Patent Number 6,357,042, filed on January 22, 1999).

       Regarding independent claim 17, Gutfreund discloses a method in which a

multimedia file is received and slides or notes pertaining to the multimedia file are also

received (column 2, line 37-column 3, line 3 of Gutfreund). A user watches this

multimedia file and adds a timestamp, which corresponds to a time when a static file

object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of

Gutfreund). Gutfreund also discloses that the time markers are stored in a file external

to the streaming media file, which associate the streaming media file with the static

media file based on time markers (column 2, lines 37-51 of Gutfreund). Even after the

creation of the output file (ASF file), the streaming media file (AVI) and the time log file

remain stored separately (column 5, lines 20-55 of Gutfreund). Gutfreund does not

disclose a method in which the time stamp can be based on frames rather than

seconds. However, Srinivasan discloses a method in adding static metadata to a

streaming media presentation can be accomplished by using a timestamp based on

video frames. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to have combined the method of Gutfreund with the frame-

based timestamp method of Srinivasan because it would have allowed for a more accurate placement of static events corresponding to the streaming media.

Regarding dependent claim 18, Gutfreund discloses that a user watches this multimedia file and adds a timestamp, which corresponds to a time when a static file object (notes or slides) will be presented (column 2, line 37-column 3, line 3 of Gutfreund). The final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding dependent claim 20, Gutfreund discloses that the final multimedia presentation that is created is one file that has embedded timestamps that link to the associated files that will be shown at that time and is viewed as a streaming output (column 2, line 37-column 3, line 3 of Gutfreund).

Regarding independent claim 21 and dependent claims 23, the claims incorporate substantially similar subject matter as claims 17-18. Thus, the claims are rejected along the same rationale as claims 17-18.

Regarding dependent claim 34, Gutfreund does not disclose a method in which the time stamp can be based on frames rather than seconds. However, Srinivasan discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Gutfreund with the frame-based timestamp method of

Srinivasan because it would have allowed for a more accurate placement of static

events corresponding to the streaming media.

9.   Claim 37 remains rejected under 35 U.S.C. 103(a) as being unpatentable over

Gutfreund et al. (hereinafter Gutfreund, US Patent Number 6,665,835, filed on

December 23, 1997) in view of Microsoft Press (hereinafter Microsoft, Microsoft Press

Computer Dictionary, published in 1997).

Regarding dependent claim 37, Gutfreund discloses that the final multimedia

presentation that is created is one file that has embedded timestamps that link to the

associated notes and slides (portions of the original static presentation file that will be

shown at that time and is viewed as a streaming output (column 2, line 37-column 3,

line 3 of Gutfreund). Gutfreund does not disclose a method in which the notes and

slides (transcript) are used to produce a markup file. Microsoft discloses that markup

languages are used to format electronic documents in forms of desktop publishing, such

as using HTML or SGML, it was well known at the time the invention was made that

XML was another markup language used for formatting. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to have presented the

notes and slides of Gutfreund using a markup language, such as XML, because as

shown by Microsoft it was well known in the art at the time the invention was made.

Response to Arguments

Applicant's arguments filed 02/22/2005 have been fully considered but they are

not persuasive. Regarding the arguments on pages 8-11, referring to the limitation of

using time markers external to the streaming media file, that remain external to the

streaming media file even after the streaming output is created, Gutfreund teaches this

process. As the claims are written, a streaming media file, static media file, and time

marker files are all received, from which a streaming output file is created. The claim

then states that the three files are associated in an output file, but the time marker and

streaming media file still exist as separate entities. At no point is it stated that the

output file does not contain the timestamps, nor is it clearly stated what the output file

does and does not contain. As shown in the rejection of the claims, Gutfreund discloses

a method in which the time markers are stored in a separate file, external to the

streaming media file (column 2, lines 37-51 of Gutfreund). The streaming media file

(AVI) and the time marker log file are then combined to make the streaming output file

(ASF), but just as is stated in the claim the streaming media file (AVI) and the time

marker log file remain as separate entities (column 5, lines 20-55 of Gutfreund). The

timestamps are indeed embedded into the output file (ASF), but they are not embedded

into the streaming media file (AVI) (column 5, lines 20-55 of Gutfreund). It is clearly

stated in the claims that the streaming media file and streaming output file exist as

separate entities, so for the purposes of rejection they will be treated as separate

entities. Thus, the rejection as presented teaches the claimed invention as currently

presented. The presented arguments are all based on this alleged deficiency, therefore

all of the arguments are rebutted along the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
April 28, 2005

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